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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 DOYLE D. LANCASTER,

11 Plaintiff,

12 vs.

13 NEVADA DEPARTMENT OF
14 CORRECTIONS, *et al.*,

15 Defendants.
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)
)
) 3:06-cv-00284-JCM-RAM
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)

17 **ORDER**
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17 Presently before the court is the matter of *Lancaster v. State of Nevada* (3:06-cv-00284-JCM
18 -RAM).

19 On May 18, 2006, plaintiff filed the instant complaint with this court. (Doc. #1). On February
20 15, 2011, the clerk of the court instructed plaintiff that the action would be dismissed as to defendants
21 Washoe County, Washoe County Jail Officials, Washoe County Comptroller, Detective, Reno Police
22 Department, Patrol Officer, Reno Police Department, President of the Board of State Prison
23 Commissioners, and Steve Pitts pursuant to Federal Rule of Civil Procedure 4(m) if plaintiff it did not
24 file proof of service of process by March 17, 2011. (Doc. #96). Federal Rule of Civil Procedure 4(m)
25 provides: "If a defendant is not served within 120 days after the complaint is filed, the court—on motion
26 or on its own after notice to the plaintiff—must dismiss the action without prejudice."

1 On March 18, 2011, one day after the deadline for filing proof of service, plaintiff filed with the
2 court a response (doc. #112) to the notice of intent to dismiss pursuant to Federal Rule of Civil
3 Procedure 4(m), which contains a handwritten notice:

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5 Plaintiff Doyle D. Lancaster, pro se[,] notifies the Court of proper proof of service
6 received as to each of the following defendants: (1) City of Reno, (2) Reno Police
7 Detective Tom Broome (sic), (3) Marshal service as to Reno Police Chief Steve Pitts is
8 not completed, (4) Washoe County and Washoe County Sheriff Michael Haley[,] (5)
9 James Bendetti, Don Helling and Howard Skolnick in this action.

10 (Doc. #112). The letter does not mention defendants Washoe County Jail Officials, Washoe County
11 Comptroller, Detective, Patrol Officer, President of the Board of State Prison Commissioners, or Steve
12 Pitts, all of which were mentioned in the notice of 4(m) dismissal. Accordingly, those defendants are
13 hereby dismissed from the action.

14 The only defendant mentioned in the notice of dismissal (doc. #96) to whom the letter is
15 responsive is defendant Washoe county, and the alleged proof of service is insufficient. Local Rule 5-1
16 states "[t]he proof [of service] shall show the day and manner of service and the name of the person
17 served." Plaintiff has failed to include this information in the purported notice.

18 Accordingly,

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants Washoe County,
20 Washoe County Jail Officials, Washoe County Comptroller, Detective, Reno Police Department, Patrol
21 Officer, Reno Police Department, President of the Board of State Prison Commissioners, and Steve Pitts
22 be, and the same hereby are, DISMISSED from this action;

23 IT IS FURTHER ORDERED that defendant Steve Pitts' motion to dismiss (doc. #108) is
24 DENIED as moot.

25 Dated this 29th day of March, 2011.

26 
UNITED STATES DISTRICT JUDGE